

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
ALLISON NAVAR, et al.,	:	
	:	
Plaintiffs,	:	18 Civ. 10476 (LGS)
	:	
-against-	:	<u>ORDER</u>
	:	
WALSH CONSTRUCTION COMPANY II, LLC,	:	
et al.,	:	
Defendants.	:	
-----X		

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on November 12, 2020, Defendants filed a motion to strike the consents of opt-in Plaintiffs Jill Bramwell, Samantha Little and Carolyn Dorsett (the “Motion”) (Dkt. No. 143), along with a memorandum of law in support of the Motion (Dkt. No. 144); the Declaration of Mark A. Konkel (the “Konkel Declaration”) and accompanying exhibits (Dkt. No. 145); and the Declaration of Benjamin D. Sandahl (the “Sandahl Declaration”) and accompanying exhibits (Dkt. No. 146).

WHEREAS, on November 12, 2020, Defendants filed a motion to redact and file under seal unredacted versions of Exhibit E to the Konkel Declaration (Dkt. No. 148) and Exhibit G to the Sandahl Declaration (Dkt. No. 149), which contain “non-public and sensitive business information,” (the “Motion to Seal”). Dkt. No. 147.

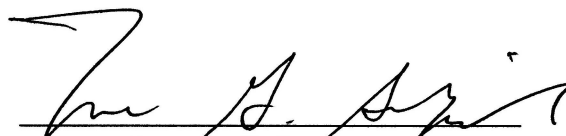
WHEREAS, on November 13, 2020, the Court issued an Order directing Plaintiffs to file any responsive letter to the Motion to Seal by November 17, 2020, and no such responsive letter was filed. It is hereby

ORDERED that, Defendants’ Motion to Seal is **GRANTED**. The unredacted version of Exhibit E to the Konkel Declaration at Docket No. 148 and the unredacted version of Exhibit G to the Sandahl Declaration at Docket No. 149 will remain sealed and only the parties and individuals identified in the attached Appendix will have access. Although “[t]he common law right of public

access to judicial documents is firmly rooted in our nation's history," this right is not absolute, and courts "must balance competing considerations against" the presumption of access. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006) (internal quotation marks omitted); *see also Nixon v. Warner Commc'ns., Inc.*, 435 U.S. 589, 599 (1978) ("[T]he decision as to access is one best left to the sound discretion of the trial court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case."). Filing the above-referenced documents in redacted form is necessary to prevent the unauthorized dissemination of confidential business information.

The Clerk of Court is respectfully directed to close the motion at Docket No. 147

Dated: December 1, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

SOUTHERN DISTRICT OF NEW YORK

**Allison Navar and Camille Robertson, on behalf
of themselves and others similarly situated,**

Plaintiffs,

-against-

**Walsh Construction Company II, LLC, Skanska
USA Civil Northeast, Inc. and Skanska USA
Building, Inc.,**

Defendants.

Index No. 1:18-CV-10476

APPENDIX

Defendants Walsh Construction Company II, LLC (“Walsh”) and Skanska USA Civil Northeast, Inc. (“Skanska Civil”), and Skanska USA Building, Inc. (“Skanska Building,” and together with Skanska Civil, the “Skanska Defendants”) submit this appendix to their joint letter motion to file certain exhibits with redactions, dated November 12, 2020, pursuant to Individual Rule I.D.3 and the Court’s Order dated November 23, 2020 (ECF No. 151).

Walsh requests that the sealed version of Exhibit E, a copy of Jill Bramwell’s Separation Agreement and General Release, executed September 14, 2020, be accessible to the following:

- Jill Bramwell (Purported Opt-In Plaintiff)
- All counsel of record:
 - Mark Konkel, Kelley Drye, Counsel for Walsh
 - Barbara Hoey, Kelley Drye, Counsel for Walsh
 - Nidhi Srivastava, Kelley Drye, Counsel for Walsh
 - Mariann Meier Wang, Cuti Hecker Wang, Counsel for Plaintiffs
 - Daniel Maimon Kirschenbaum, Joseph & Kirschenbaum, Counsel for Plaintiffs
 - Denise Schulman, Joseph & Kirschenbaum, Counsel for Plaintiffs

- Lucas Buzzard, Joseph & Kirschenbaum, Counsel for Plaintiffs
- Jacqueline Kalk, Littler Mendelson, Counsel for the Skanska Defendants
- Amber Spataro, Littler Mendelson, Counsel for the Skanska Defendants
- Benjamin Sandahl, Littler Mendelson, Counsel for the Skanska Defendants

The Skanska Defendants request that the sealed version of Exhibit G, a copy of the Letter Agreement between Skanska Building and Samantha Little, dated May 29, 2020, be accessible to the following:

- Samantha Little (Purported Opt-In Plaintiff)
- All counsel of record:
 - Mark Konkel, Kelley Drye, Counsel for Walsh
 - Barbara Hoey, Kelley Drye, Counsel for Walsh
 - Nidhi Srivastava, Kelley Drye, Counsel for Walsh
 - Mariann Meier Wang, Cuti Hecker Wang, Counsel for Plaintiffs
 - Daniel Maimon Kirschenbaum, Joseph & Kirschenbaum, Counsel for Plaintiffs
 - Denise Schulman, Joseph & Kirschenbaum, Counsel for Plaintiffs
 - Lucas Buzzard, Joseph & Kirschenbaum, Counsel for Plaintiffs
 - Jacqueline Kalk, Littler Mendelson, Counsel for the Skanska Defendants
 - Amber Spataro, Littler Mendelson, Counsel for the Skanska Defendants
 - Benjamin Sandahl, Littler Mendelson, Counsel for the Skanska Defendants

Dated: November 25, 2020

KELLEY DRYE & WARREN LLP

LITTLER MENDELSON, P.C.

/s/Nidhi Srivastava

Mark A. Konkel
Nidhi Srivastava
101 Park Avenue
New York, New York 10178
mkonkel@kelleydrye.com
asmilowitz@kelleydrye.com
Phone: (212) 808-7800
Facsimile: (212) 808-7898
*Attorneys for Defendant Walsh
Construction Company II, LLC*

/s/ Benjamin Sandahl

Amber M. Spataro (admitted *pro hac vice*)
Jacqueline E. Kalk (admitted *pro hac vice*)
Benjamin D. Sandahl (admitted *pro hac vice*)
One Newark Center, 8th Floor
Newark, New Jersey 07102
aspataro@littler.com
jkalk@littler.com
bsandahl@littler.com
Phone: (973) 848-4700
Facsimile: (973) 643-5626
*Attorneys for Defendants Skanska USA Civil
Northeast Inc. & Skanska USA Building Inc.*